

# EXHIBIT 2

**Mott, Thomas L.**

---

**From:** Dale, Margaret A. <mdale@proskauer.com>  
**Sent:** Wednesday, October 6, 2021 7:25 AM  
**To:** Arturo J. Garcia-Sota  
**Cc:** Mott, Thomas L.; Alejandro J. Cepeda Diaz; Nayuan Zouairabani; Carmen D. Conde Torres; Jennings, Taleah; Lizzie M. Portela Fernández; Mintz, Doug; Koff, Douglas; Walsh, Abbey; Amend, Peter; Mungovan, Timothy W.; Mervis, Michael T.; Stafford, Laura; Sosa, Javier F.; Ovanesian, Michelle M.; Levitan, Jeffrey W.; Barak, Ehud; Rosen, Brian S.; Possinger, Paul V.; Alonzo, Julia D.; Rappaport, Lary Alan; Triggs, Matthew; Firestein, Michael A.; Hermann Bauer (Hermann.Bauer@oneillborges.com); Carla García-Benítez  
**Subject:** Re: [EXTERNAL]RE: DRA Parties Rule 30(b)(6) Notice to FOMB - Responses and Objections

We'll be available.  
Thx.

Sent from my iPad

On Oct 5, 2021, at 8:50 PM, Arturo J. Garcia <Ajg@mcvpr.com> wrote:

***This email originated from outside the Firm.***

---

Dear Margaret,

Suffice it to state that we do not agree with the characterization of the facts as set forth in your email below. We can only agree to disagree. I suggest a meet and confer tomorrow after Ms. Jaresko's deposition to comply with the Procedures Order, after which we will proceed to bring the matter to the Court.

Thanks,

Arturo

---

Arturo J. Garcia — Managing Director —  
Ajg@mcvpr.com  
T (787) 250-5632 — M (787) 396-5368  
270 Muñoz Rivera Ave. San Juan, Puerto Rico 00918

This e-mail and its attachment(s) may be privileged, confidential, and protected from disclosure. If you received this communication in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon this communication is strictly prohibited. Unintended recipient(s) must immediately delete the e-mail and attachment(s), and notify the sender. The information contained in this communication and its attachments, including discussion of U.S. federal income, Puerto Rico income or other tax related matter, is limited to the statements specifically set forth herein, and such statements are intended for the sole use and benefit of our client and are not intended to be relied upon by any other person. The discussion of tax related matters was not intended or written to be used, and it cannot be used, for purposes of avoiding U.S. federal, Puerto Rico or local tax penalties.

---

**From:** Dale, Margaret A. <mdale@proskauer.com>  
**Sent:** Tuesday, October 5, 2021 8:14 PM  
**To:** Arturo J. Garcia <Ajg@mcvpr.com>; Mott, Thomas L. <Thomas.Mott@srz.com>; Alejandro J. Cepeda Diaz <Ajc@mcvpr.com>; Nayuan Zouairabani Trinidad <nzt@mcvpr.com>; Carmen D. Conde Torres

<condecarmen@condelaw.com>; Jennings, Taleah <Taleah.Jennings@srz.com>; Lizzie M. Portela Fernández <Lpf@mcvpr.com>; Douglas S. Mintz <douglas.mintz@srz.com>; Douglas Koff <douglas.koff@srz.com>; Abbey Walsh <abbey.walsh@srz.com>; Peter J. Amend <peter.amend@srz.com>

**Cc:** Mungovan, Timothy W. <tmungovan@proskauer.com>; Mervis, Michael T. <MMervis@proskauer.com>; Stafford, Laura <lstafford@proskauer.com>; Sosa, Javier F. <Jsosa@proskauer.com>; Ovanesian, Michelle M. <MOvanesian@proskauer.com>; Levitan, Jeffrey W. <JLevitan@proskauer.com>; Barak, Ehud <ebarak@proskauer.com>; Rosen, Brian S. <brosen@proskauer.com>; Possinger, Paul V. <ppossinger@proskauer.com>; Alonzo, Julia D. <jalonzo@proskauer.com>; Rappaport, Lary Alan <LRappaport@proskauer.com>; Triggs, Matthew <MTriggs@proskauer.com>; Firestein, Michael A. <MFirestein@proskauer.com>; Hermann Bauer (Hermann.Bauer@oneillborges.com) <Hermann.Bauer@oneillborges.com>; Carla García-Benítez <Carla.Garcia@oneillborges.com>; Dale, Margaret A. <mdale@proskauer.com>

**Subject:** RE: [EXTERNAL]RE: DRA Parties Rule 30(b)(6) Notice to FOMB - Responses and Objections

Dear Arturo,

The DRA Parties can make whatever choices you decide vis-à-vis Ms. Jaresko's deposition. Ms. Jaresko is the Executive Director of the Board and is the most knowledgeable person at the Board to answer the topics in the Rule 30(b)(6) notice. You rejected our suggestion regarding EY and demanded that we produce someone from the Board to answer the topics. We have done so and in fact responded to your demand in less than 4 hours. Ms. Jaresko will not be produced again voluntarily so if you choose not to ask her questions on the topics in DRA's Rule 30(b)(6) notice, you do so with knowledge of the Board's position and the risk inherent in that choice.

Thanks.

Margaret

**Margaret A. Dale**

Partner

Vice Chair, Litigation Department

[Proskauer](#)

Eleven Times Square

New York, NY 10036-8299

d 212.969.3315

c 917.975.8748

f 212.969.2900

[mdale@proskauer.com](mailto:mdale@proskauer.com)

**Visit our Commercial Litigation blog:**

[www.mindingyourbusinesslitigation.com](http://www.mindingyourbusinesslitigation.com)

greenspaces

Please consider the environment before printing this email.

---

**From:** Arturo J. Garcia <[Ajg@mcvpr.com](mailto:Ajg@mcvpr.com)>

**Sent:** Tuesday, October 5, 2021 7:25 PM

**To:** Dale, Margaret A. <[mdale@proskauer.com](mailto:mdale@proskauer.com)>; Mott, Thomas L. <[Thomas.Mott@srz.com](mailto:Thomas.Mott@srz.com)>; Alejandro J. Cepeda Diaz <[Ajc@mcvpr.com](mailto:Ajc@mcvpr.com)>; Nayuan Zouairabani <[nzt@mcvpr.com](mailto:nzt@mcvpr.com)>; Carmen D. Conde Torres <[condecarmen@condelaw.com](mailto:condecarmen@condelaw.com)>; Jennings, Taleah <[Taleah.Jennings@srz.com](mailto:Taleah.Jennings@srz.com)>; Lizzie M. Portela Fernández <[Lpf@mcvpr.com](mailto:Lpf@mcvpr.com)>; Douglas S. Mintz <[douglas.mintz@srz.com](mailto:douglas.mintz@srz.com)>; Douglas Koff <[douglas.koff@srz.com](mailto:douglas.koff@srz.com)>; Abbey Walsh <[abbey.walsh@srz.com](mailto:abbey.walsh@srz.com)>; Peter J. Amend <[peter.amend@srz.com](mailto:peter.amend@srz.com)>

**Cc:** Mungovan, Timothy W. <[tmungovan@proskauer.com](mailto:tmungovan@proskauer.com)>; Mervis, Michael T.

<MMervis@proskauer.com>; Stafford, Laura <lstafford@proskauer.com>; Sosa, Javier F. <Jsosa@proskauer.com>; Ovanesian, Michelle M. <MOvanesian@proskauer.com>; Levitan, Jeffrey W. <JLevitan@proskauer.com>; Barak, Ehud <ebarak@proskauer.com>; Rosen, Brian S. <brosen@proskauer.com>; Possinger, Paul V. <ppossinger@proskauer.com>; Alonzo, Julia D. <jalonzo@proskauer.com>; Rappaport, Lary Alan <LRappaport@proskauer.com>; Triggs, Matthew <MTriggs@proskauer.com>; Firestein, Michael A. <MFirestein@proskauer.com>; Hermann Bauer (Hermann.Bauer@oneillborges.com) <Hermann.Bauer@oneillborges.com>; Carla García-Benítez <Carla.Garcia@oneillborges.com>

**Subject:** RE: [EXTERNAL]RE: DRA Parties Rule 30(b)(6) Notice to FOMB - Responses and Objections

**This email originated from outside the Firm.**

Dear Margaret,

Thank you for your response. Please be advised that the DRA Parties will proceed to take Ms. Jaresko's deposition only as to the topics disclosed in the Debtors' Amended List of Witnesses, Dkt. 18094, as set forth in her Notice of Deposition, and agreed and jointly informed to the Court on October 1, 2021 (Dkt. 18401). As you know, I had a number of conversations with Michael Firestein and you last Friday afternoon on the Jaresko Deposition, and the Joint Informative Motion reflected our agreement on the same. Due respect, the FOMB's belated designation of Ms. Jaresko as its Rule 30(b)(6) witness and presumption that the deposition be taken less than 24 hours later is simply unacceptable. Therefore, please provide another date for the Rule 30(b)(6) deposition of Ms. Jaresko as tomorrow the deposition will be only with respect to the topics included in the Notice of Deposition.

Thanks,

Arturo

Arturo J. Garcia — Managing Director —  
Ajg@mcvpr.com  
T (787) 250-5632 — M (787) 396-5368  
270 Muñoz Rivera Ave. San Juan, Puerto Rico 00918

This e-mail and its attachment(s) may be privileged, confidential, and protected from disclosure. If you received this communication in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon this communication is strictly prohibited. Unintended recipient(s) must immediately delete the e-mail and attachment(s), and notify the sender. The information contained in this communication and its attachments, including discussion of U.S. federal income, Puerto Rico income or other tax related matter, is limited to the statements specifically set forth herein, and such statements are intended for the sole use and benefit of our client and are not intended to be relied upon by any other person. The discussion of tax related matters was not intended or written to be used, and it cannot be used, for purposes of avoiding U.S. federal, Puerto Rico or local tax penalties.

**From:** Dale, Margaret A. <mdale@proskauer.com>

**Sent:** Tuesday, October 5, 2021 2:22 PM

**To:** Mott, Thomas L. <Thomas.Mott@srz.com>; Arturo J. Garcia <Ajg@mcvpr.com>; Alejandro J. Cepeda Diaz <Ajc@mcvpr.com>; Nayuan Zouairabani Trinidad <nzt@mcvpr.com>; Carmen D. Conde Torres <condecarmen@condelaw.com>; Jennings, Taleah <Taleah.Jennings@srz.com>; Lizzie M. Portela Fernández <Lpf@mcvpr.com>; Douglas S. Mintz <douglas.mintz@srz.com>; Douglas Koff <douglas.koff@srz.com>; Abbey Walsh <abbey.walsh@srz.com>; Peter J. Amend <peter.amend@srz.com>

**Cc:** Mungovan, Timothy W. <tmungovan@proskauer.com>; Mervis, Michael T. <MMervis@proskauer.com>; Stafford, Laura <lstafford@proskauer.com>; Sosa, Javier F. <Jsosa@proskauer.com>; Ovanesian, Michelle M. <MOvanesian@proskauer.com>; Levitan, Jeffrey W. <JLevitan@proskauer.com>; Barak, Ehud <ebarak@proskauer.com>; Rosen, Brian S. <brosen@proskauer.com>; Possinger, Paul V. <ppossinger@proskauer.com>; Alonzo, Julia D. <jalonzo@proskauer.com>; Rappaport, Lary Alan <LRappaport@proskauer.com>; Triggs, Matthew <MTriggs@proskauer.com>; Firestein, Michael A. <MFirestein@proskauer.com>; Hermann Bauer

([Hermann.Bauer@oneillborges.com](mailto:Hermann.Bauer@oneillborges.com)) <[Hermann.Bauer@oneillborges.com](mailto:Hermann.Bauer@oneillborges.com)>; Carla García-Benítez  
<[Carla.Garcia@oneillborges.com](mailto:Carla.Garcia@oneillborges.com)>; Dale, Margaret A. <[mdale@proskauer.com](mailto:mdale@proskauer.com)>

**Subject:** [EXTERNAL]RE: DRA Parties Rule 30(b)(6) Notice to FOMB - Responses and Objections

Dear Tom,  
Thanks for getting back to us.

Regarding the Rule 30(b)(6) notice to the Oversight Board, given the DRA Parties' position and to avoid a further dispute and the time, effort and expense that would be wasted, Ms. Jaresko will be the Board's designee for Topics 2-6 and will answer on those topics at her deposition tomorrow. We withdraw our objection to Topics 5 and 6. We stand on our objection to Topic 1. We are available tonight at 6:30 pm or later if you'd like to meet and confer regarding Topic 1.

We will get back to you regarding Mr. Herriman.  
Thanks.  
Margaret

**Margaret A. Dale**

Partner  
Vice Chair, Litigation Department

Proskauer

Eleven Times Square  
New York, NY 10036-8299  
d 212.969.3315  
c 917.975.8748  
f 212.969.2900  
[mdale@proskauer.com](mailto:mdale@proskauer.com)

**Visit our Commercial Litigation blog:**  
[www.mindingyourbusinesslitigation.com](http://www.mindingyourbusinesslitigation.com)

greenspaces  
Please consider the environment before printing this email.

---

**From:** Mott, Thomas L. <[Thomas.Mott@srz.com](mailto:Thomas.Mott@srz.com)>

**Sent:** Tuesday, October 5, 2021 10:54 AM

**To:** Dale, Margaret A. <[mdale@proskauer.com](mailto:mdale@proskauer.com)>; Arturo J. Garcia-Sota <[ajg@mcvpr.com](mailto:ajg@mcvpr.com)>; 'Alejandro J. Cepeda Diaz' <[Ajc@mcvpr.com](mailto:Ajc@mcvpr.com)>; Nayuan Zouairabani <[nzt@mcvpr.com](mailto:nzt@mcvpr.com)>; Carmen D. Conde Torres <[condecarmen@condelaw.com](mailto:condecarmen@condelaw.com)>; Jennings, Taleah <[Taleah.Jennings@srz.com](mailto:Taleah.Jennings@srz.com)>; Lizzie M. Portela Fernández <[Lpf@mcvpr.com](mailto:Lpf@mcvpr.com)>; Douglas S. Mintz <[douglas.mintz@srz.com](mailto:douglas.mintz@srz.com)>; Douglas Koff <[douglas.koff@srz.com](mailto:douglas.koff@srz.com)>; Abbey Walsh <[abbey.walsh@srz.com](mailto:abbey.walsh@srz.com)>; Peter J. Amend <[peter.amend@srz.com](mailto:peter.amend@srz.com)>

**Cc:** Mungovan, Timothy W. <[tmungovan@proskauer.com](mailto:tmungovan@proskauer.com)>; Mervis, Michael T. <[MMervis@proskauer.com](mailto:MMervis@proskauer.com)>; Stafford, Laura <[lstafford@proskauer.com](mailto:lstafford@proskauer.com)>; Sosa, Javier F. <[Jsosa@proskauer.com](mailto:Jsosa@proskauer.com)>; Ovanesian, Michelle M. <[MOvanesian@proskauer.com](mailto:MOvanesian@proskauer.com)>; Levitan, Jeffrey W. <[JLevitan@proskauer.com](mailto:JLevitan@proskauer.com)>; Barak, Ehud <[ebarak@proskauer.com](mailto:ebarak@proskauer.com)>; Rosen, Brian S. <[brosen@proskauer.com](mailto:brosen@proskauer.com)>; Possinger, Paul V. <[ppossinger@proskauer.com](mailto:ppossinger@proskauer.com)>; Alonzo, Julia D. <[jalonzo@proskauer.com](mailto:jalonzo@proskauer.com)>; Rappaport, Lary Alan <[LRappaport@proskauer.com](mailto:LRappaport@proskauer.com)>; Triggs, Matthew <[MTriggs@proskauer.com](mailto:MTriggs@proskauer.com)>; Firestein, Michael A. <[MFirestein@proskauer.com](mailto:MFirestein@proskauer.com)>; Hermann Bauer ([Hermann.Bauer@oneillborges.com](mailto:Hermann.Bauer@oneillborges.com)) <[Hermann.Bauer@oneillborges.com](mailto:Hermann.Bauer@oneillborges.com)>; Carla García-Benítez <[Carla.Garcia@oneillborges.com](mailto:Carla.Garcia@oneillborges.com)>

**Subject:** RE: DRA Parties Rule 30(b)(6) Notice to FOMB - Responses and Objections

***This email originated from outside the Firm.***

---

Margaret, Laura –

Following up on our discussion yesterday concerning Mr. Herriman and the Rule 30(b)(6) issue:

***Mr. Herriman***

We have considered your position with respect to Mr. Herriman, but would need to understand a bit more about his expected testimony before deciding to withdraw his deposition notice. We therefore request a written description of what you expect him to proffer during the proceedings.

Additionally, please let us know when we can expect an answer to our request for the identification of a witness with knowledge concerning the ~\$6.2 billion figure for CW/HTA Claims set forth in Section 2.2(a) of the Plan.

***Rule 30(b)(6) of FOMB***

Pursuant to Rule 30(b)(6), we request a meet and confer on the topics in the notice. We can discuss the subpoena issue further on that call, and want to do our best to cooperate pragmatically. However, currently we do not think a subpoena directed at EY to elicit 30(b)(6) testimony on behalf of the FOMB would be appropriate. The DRA Parties served a Rule 30(b)(6) notice to the FOMB and the onus is on the FOMB to designate the person(s) that will testify on its behalf. A proper Rule 30(b)(6) designee must “consent to testify on [FOMB’s] behalf,” and a subpoena would therefore run counter to the rule.

We are available to discuss today after 4:30pm ET.

Thanks,  
Tom

**Thomas L. Mott**  
Associate  
212.756.2049

---

Schulte Roth & Zabel LLP  
[www.srz.com](http://www.srz.com)

---

**From:** Dale, Margaret A. <[mdale@proskauer.com](mailto:mdale@proskauer.com)>  
**Sent:** Sunday, October 3, 2021 8:49 PM  
**To:** Arturo J. Garcia-Sota <[ajg@mcvpr.com](mailto:ajg@mcvpr.com)>; 'Alejandro J. Cepeda Diaz' <[Ajc@mcvpr.com](mailto:Ajc@mcvpr.com)>; Nayuan Zouairabani <[nzt@mcvpr.com](mailto:nzt@mcvpr.com)>; Carmen D. Conde Torres <[condecarmen@condelaw.com](mailto:condecarmen@condelaw.com)>; Mintz, Doug <[Douglas.Mintz@srz.com](mailto:Douglas.Mintz@srz.com)>; Koff, Douglas <[Douglas.Koff@srz.com](mailto:Douglas.Koff@srz.com)>; Walsh, Abbey <[Abbey.Walsh@srz.com](mailto:Abbey.Walsh@srz.com)>; Amend, Peter <[Peter.Amend@srz.com](mailto:Peter.Amend@srz.com)>; Mott, Thomas L. <[Thomas.Mott@srz.com](mailto:Thomas.Mott@srz.com)>  
**Cc:** Mungovan, Timothy W. <[tmungovan@proskauer.com](mailto:tmungovan@proskauer.com)>; Mervis, Michael T. <[MMervis@proskauer.com](mailto:MMervis@proskauer.com)>; Stafford, Laura <[lstafford@proskauer.com](mailto:lstafford@proskauer.com)>; Sosa, Javier F. <[Jsosa@proskauer.com](mailto:Jsosa@proskauer.com)>; Ovanesian, Michelle M. <[MOvanesian@proskauer.com](mailto:MOvanesian@proskauer.com)>; Levitan, Jeffrey W. <[JLevitan@proskauer.com](mailto:JLevitan@proskauer.com)>; Barak, Ehud <[ebarak@proskauer.com](mailto:ebarak@proskauer.com)>; Rosen, Brian S. <[brosen@proskauer.com](mailto:brosen@proskauer.com)>; Possinger, Paul V. <[ppossinger@proskauer.com](mailto:ppossinger@proskauer.com)>; Alonzo, Julia D. <[jalonzo@proskauer.com](mailto:jalonzo@proskauer.com)>; Rappaport, Lary Alan <[LRappaport@proskauer.com](mailto:LRappaport@proskauer.com)>; Triggs, Matthew <[MTriggs@proskauer.com](mailto:MTriggs@proskauer.com)>; Firestein, Michael A. <[MFirestein@proskauer.com](mailto:MFirestein@proskauer.com)>; Hermann Bauer <[Hermann.Bauer@oneillborges.com](mailto:Hermann.Bauer@oneillborges.com)> <[Hermann.Bauer@oneillborges.com](mailto:Hermann.Bauer@oneillborges.com)>; Carla García-Benítez

<Carla.Garcia@oneillborges.com>

**Subject:** DRA Parties Rule 30(b)(6) Notice to FOMB - Responses and Objections

**-CAUTION: EXTERNAL EMAIL from [mdale@proskauer.com](mailto:mdale@proskauer.com)  
Do not click any links or open any attachments unless you are expecting the email and  
know the content is safe.**

Good evening Counsel,

Regarding the Rule 30(b)(6) notice served by the DRA Parties on the Oversight Board, attached for  
service are responses and objections thereto.

Because EY is best situated to respond to the topics for which the Oversight Board is willing to designate  
a witness, we'd ask the DRA Parties to serve a subpoena on EY for the topics, and the Oversight Board  
will be bound by the testimony provided by EY on the topics.

We are available to discuss this tomorrow.

Thanks.

Margaret

**Margaret A. Dale**

Partner

Vice Chair, Litigation Department

[Proskauer](#)

Eleven Times Square

New York, NY 10036-8299

d 212.969.3315

c 917.975.8748

f 212.969.2900

[mdale@proskauer.com](mailto:mdale@proskauer.com)

**Visit our Commercial Litigation blog:**

[www.mindingyourbusinesslitigation.com](http://www.mindingyourbusinesslitigation.com)

greenspaces

Please consider the environment before printing this email.

\*\*\*\*\*  
\*\*\*\*\*

This message and its attachments are sent from a law firm and may contain information that is  
confidential and protected by privilege from disclosure.

If you are not the intended recipient, you are prohibited from printing, copying, forwarding or  
saving them.

Please delete the message and attachments without printing, copying, forwarding or saving them,  
and notify the sender immediately.

\*\*\*\*\*  
\*\*\*\*\*

----- NOTICE This e-mail message is intended only for the named recipient(s) above. It may  
contain confidential information that is privileged or that constitutes attorney work product. If  
you are not the intended recipient, you are hereby notified that any dissemination, distribution or  
copying of this e-mail and any attachment(s) is strictly prohibited. If you have received this e-  
mail in error, please immediately notify the sender by replying to this e-mail and delete the  
message and any attachment(s) from your system. Thank you.